IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1430 of 2007 (S/S)

1. Ganesh Singh Kabadwal
   S/o Shri Mohan Singh Kabadwal
   R/o St. Colud, Lal Kothi,
   Snow View No. 7, Nainital.
2. Prayag Singh S/o Sri Ratan Singh
   R/o Village and Post Dhanachuli
   District Nainital.
3. Ajay Kumar S/o Sri Anand Kumar
   R/o Village Charkhet, P.O. Khurpatal,
   District Nainital.
4. Sanjay Kumar Koli S/o Sri Bahadur Ram Koli
   R/o Village Ranibagh, P.O. Ranibagh
   District Nainital.
5. Arun Kumar S/o Sri Kali Charan
   R/o Mohalla Gandhi Nagar,
   District Udham Singh Nagar.

…….. Petitioners

Versus

1. Nainital Almora Kshetriya Gramin Bank
   Joint Venture of Uttarakhand State Govt.
   And Bank of Baroda
   Government of India Undertaking
   Through its Chairman
2. General Manager, Head Office
   Nainital Almora Kshetriya Gramin Bank
   Haldwani, District Nainital.
3. Branch Manager
   Nainital Almora Kshetriya Gramin Bank
   Branch Bhowali, District Nainital.
4. Branch Manager
   Nainital Almora Kshetriya Gramin Bank
   Branch Dhanachuli, District Nainital.
5. Branch Manager
   Nainital Almora Kshetriya Gramin Bank
   Branch Khurpatal, District Nainital.
6. Branch Manager
   Nainital Almora Kshetriya Gramin Bank
   Bazpur, District Udham Singh Nagar.

…….. Respondents

Mr. Sharad Sharma, Advocate for the petitioners.
Mr. R.K. Raizada and Piyush Garg, Advocate for respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioners and learned counsel for the respondents.

2) By means of this writ petition, the petitioners have sought following reliefs:

i) Issue as writ, order or direction in the nature of mandamus commanding the respondent No. 1 to accept the application of candidature of the petitioners for the post of Class IV employee since the last cut off date is arriving on 29.09.2007.

ii) Issue a writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

iii) Award the cost of the petition.

3) It is stated in the writ petition that the petitioners are daily wage workers working with the respondent Bank in its various branches. It is further stated that a recruitment process to fill the Class IV vacancies in the Bank is taking place. The petitioners' case in that they are not being allowed to participate in the recruitment process and their applications are not being accepted by the Bank. It is also stated that the last date for submission of applications is 29th September 2007.

4) Learned counsel for the respondents submitted that as per the rules, the applications are being entertained

through Employment Exchange, only. However, he could not satisfy on the point that while accepting the applications through the Employment Exchange, what is the illegality, if the otherwise qualified persons also participate in the recruitment process, particularly, the persons who are daily wage workers with the respondent Bank.

5) Having heard learned counsel for the parties and after perusing the papers on record and the Nainital Almora Kshetriya Gramin Bank (Officers and Employees) Service Regulations, 2001 along with the Regional Rural Banks (Appointment and Promotions of Officers and Other Employees) Rules, 1998, this writ petition is disposed of summarily directing the respondents to consider the candidature of the petitioners for the recruitment process of Class IV employees of the respondent Bank, provided the petitioners are otherwise qualified and eligible as per the rules. (Stay Application also stands disposed of, accordingly).

(Prafulla C. Pant, J.)

Dt. September 28, 2007.
H.Negi